

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Juan Arango	Team: Squad #9	CCRB Case #: 202004011	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 9:15 PM, Thursday, 06/04/2020 9:30 PM	Location of Incident: Intersection of Penn Street and Wythe Avenue. Intersection of Bedford Avenue and Penn Street	Precinct: 90	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/05/2020 6:05 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 06/05/2020 6:05 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: Near the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
B. An officer	Force: Near the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer used physical force against § 87(2)(b)	
C. An officer	Force: Near the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer struck § 87(2)(b)	
D. An officer	Force: Near the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer hit § 87(2)(b) against a vehicle.	
E. An officer	Discourtesy: At the intersection of Penn Street and Bedford Avenue in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
F. An officer	Discourtesy: At the intersection of Penn Street and Bedford Avenue in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
G. An officer	Abuse: At the intersection of Penn Street and Bedford Avenue in Brooklyn, an officer threatened to arrest § 87(2)(b)	
H. An officer	Abuse: At the intersection of Penn Street and Bedford Avenue in Brooklyn, an officer threatened to arrest § 87(2)(b)	

Case Summary

On June 5, 2020, § 87(2)(b) filed the following complaint with the CCRB via the CCRB's website.

On June 4, 2020, at approximately 9:15 p.m., § 87(2)(b) and § 87(2)(b) were marching with other protesters at Penn Street and Wythe Avenue in Brooklyn. After having a standoff with NYPD officers, officers began charging at protesters as the crowd began to run back on Penn Street towards Bedford Avenue. An unidentified protester smacked § 87(2)(b) bicycle to the ground. § 87(2)(b) asked PO1 if she could pick up her bicycle and PO1 allegedly replied, "Are you stupid? Don't touch that. Get the fuck out of here" (**Allegation A: Discourtesy – Word**, § 87(2)(g) PO1 then allegedly shoved § 87(2)(b) and hit her with his baton (**Allegation B: Physical Force – Shoved**, § 87(2)(g) (**Allegation C: Force – Nightstick as club**, § 87(2)(g) PO1 allegedly shoved her a second time against a white minivan that was parked next to her and she hit her leg (**within Allegation B**) (**Allegation D: Force – Hit against inanimate object**, § 87(2)(g) § 87(2)(b) and § 87(2)(b) reached Bedford Avenue and Penn Street. PO3 allegedly yelled at § 87(2)(b) and § 87(2)(b) "I have seen you guys twice already. You better get the fuck out of here" (**Allegation E: Discourtesy – Word**, § 87(2)(g) (**Allegation F: Discourtesy – Word**, § 87(2)(g) PO4 then allegedly yelled at § 87(2)(b) and § 87(2)(b) "I will literally throw you in jail" (**Allegation G: Abuse of Authority – Threat of Arrest**, § 87(2)(g) (**Allegation H: Abuse of Authority – Threat of Arrest**, § 87(2)(g) § 87(2)(b) and § 87(2)(b) were not arrested or issued any summonses. § 87(2)(b) was uncooperative with the investigation.

Findings and Recommendations

Allegation (A) Discourtesy: Near the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer spoke discourteously to § 87(2)(b)

Allegation (B) Physical Force: Near the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer used physical force against § 87(2)(b)

Allegation (C) Force: Near the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer struck § 87(2)(b)

Allegation (D) Force: Near the intersection of Penn Street and Wythe Avenue in Brooklyn, an officer hit § 87(2)(b) against a vehicle.

Allegation (E) Discourtesy: At the intersection of Penn Street and Bedford Avenue in Brooklyn, an officer spoke discourteously to § 87(2)(b)

Allegation (F) Discourtesy: At the intersection of Penn Street and Bedford Avenue in Brooklyn, an officer spoke discourteously to § 87(2)(b)

Allegation (G) Abuse of Authority: At the intersection of Penn Street and Bedford Avenue in Brooklyn, an officer threatened to arrest § 87(2)(b)

Allegation (H) Abuse of Authority: At the intersection of Penn Street and Bedford Avenue in Brooklyn, an officer threatened to arrest § 87(2)(b)

Known Facts and General Descriptions

During the CCRB interview, § 87(2)(b) described PO1 as a 5'9" tall white male, with a medium build, light brown hair, and who was clean shaved, not wearing glasses, and dressed in a uniformed white shirt (**Board Review 01**). § 87(2)(b) only remembered PO3 as being a male in uniform. She described PO4 as a 6'0" tall white male, in his mid-50's or early 60's, with a slim build, grey hair, and in a dark blue uniform.

Body Worn Camera

On June 11, 2020, the investigation requested BWC footage related to this investigation (**Board Review 02**). The NYPD Legal Bureau conducted an axon search for June 4, 2020, at approximately 9:21 p.m., in the confines of the 90th Precinct, for any officers, including the Strategic Response Groups, Critical Response Command and Emergency Service Unit. This search yielded negative results.

The investigation reviewed BWC footage requests in CCRB 202004204, 202004071, 20203980 and 202003962. These complaints shared the same date, approximate time and location. Three requests yield negative results while two were positive. Upon reviewing the BWC footage obtained in these cases, the investigation determined the videos were unrelated to this incident and did not provide any lead that helped identify the subject officers.

NYPD Documents Reviewed

The investigation obtained the 90th Precinct Tour 3 Roll Call and Command Log (**Board Review 03**). These documents did not assist in identifying the subject officer.

The investigation in CCRB 202004204 requested the Detail Memorandum, Post-Event Memorandum, Zone/Sector/Post Maps and UF-49 from Patrol Borough Brooklyn North (PBBN) (**Board Review 04**). In response, PBBN specified that these documents were not prepared at their command. Upon requesting the Detailed Roster, PBBN provided a roster which listed several officers posted at Cadman Park Plaza, a location far from Penn Street and Wythe Avenue. This roster did not provide any relevant information pertaining this complaint. On October 14, 2020, IAB confirmed that no additional detailed rosters were prepared by Patrol Borough Brooklyn North (**Board Review 05**).

The investigation reviewed several stationary footages obtained in CCRB 202004204, 202004071, 20203980 and 202003962; however, none of them captured this incident or gave a lead as to who the subject officer was. The investigation also reviewed TARU footage obtained in 202003980. This video footage did not depict any police activity or FADO (**Board Review 17**)

Concurrent Investigations

There are no concurrent investigations to the knowledge of the investigation.

Ranking Officers

Deputy Chief Charles McEvoy (Tax #895710) was identified as the highest-ranking officer at Penn Street and Wythe Avenue on June 4, 2020.

Officers Interviewed

On September 20, 2020, the undersigned investigator in CCRB case 202004204 interviewed Deputy Inspector Timothy Skretch (**Board Review 06**) after a police officer, who was also interviewed, identified him as one of the ranking officers on scene during the incident. DI Skretch explained he did not use physical force against a protester during this incident.

On October 27, 2020, the CCRB interviewed Lieutenant Henry Daverin (**Board Review 07**) Lt. Daverin explained he was at Penn Street and Wythe Avenue when the officers started making arrests for violating the mayor's curfew. Lt. Daverin started walking South on Penn Street. At some point, he assisted a police officer during the arrest of an unidentified female and continued walking on Penn Street towards Bedford Avenue. Lt. Daverin was carrying a black baton attached to his belt which he believed he lost while assisting in the arrest.

Lt. Daverin was presented with § 87(2)(b) and § 87(2)(b) physical descriptions; however, this information did not remind him of anyone he interacted with on this date. A synopsis of the incident involving § 87(2)(b) bike and the white shirt officer was provided to Lt. Daverin. Lt. Daverin stated this information did not bring back his recollection of any incident he

was involved in. When asked, Lt. Daverin said he did not strike anyone with his baton during this protest or had it in his hand at any point. Lt. Daverin did not make the statements “Are you stupid? Don’t touch that” or “Get the fuck out of here” as he spoke with a protester and did not hear any other officer making such statements. Lt. Daverin did not shove any protester against a vehicle or observed any officer doing so and neither he recalled using force against protesters. Lt. Daverin did not recall hearing an officer tell a protester, “I have seen you twice, you better get the fuck out of here” or “I will literally throw you in jail.”

On November 19, 2020, the CCRB interviewed Lieutenant Michael Butler (**Board Review 08**). Lt. Butler acknowledged being in the area of this protest during this incident. Lt. Butler explained he was giving numerous orders to individuals on the street to disperse but did not recall interacting with a female who asked him if she could pick up her bicycle off the ground. Lt. Butler was presented with § 87(2)(b) and § 87(2)(b) physical descriptions; however, this information did not remind him of anyone he interacted with on this date. A synopsis of the incident was given to Lt. Butler. He stated this information did not bring back his recollection of an incident he was involved in or that he witnessed. When asked, Lt. Butler stated he did not make the statements “Are you stupid? Don’t touch that” or “Get the fuck out of here” to any protester and did not hear any officer making this statement because there was a lot of yelling and screaming. Lt. Butler did not recall shoving a female against a vehicle and did not remember striking any protester with an asp or similar instrument. Lt. Butler was also provided with PO1’s physical description and he said this description did not sound like someone he knew. When asked, Lt. Butler said he did not hear any officer tell a protester, “I have seen you twice, you better get the fuck out of here” or “I will literally throw you in jail.”

On February 10, 2021, the CCRB interviewed Chief Jeffrey Maddrey (**Board Review 09**). Chief Maddrey explained he came to Penn Street and Wythe Avenue, observed the confrontation, and told the officers to stand down and return to their post and told the protestors to “have a good night and go home.” The protestors then dispersed in an orderly fashion while others spoke to Chief Maddrey. Right after, Chief Maddrey left Penn Street and Wythe Avenue and resumed patrol. Chief Maddrey did not come into physical contact with any civilian that evening and did not observe any officer use force against any civilian at Penn Street and Wythe Avenue. Chief Maddrey was not aware of anything that happened later, including any subsequent arrests at Penn Street and Wythe Avenue. Chief Maddrey did not observe any civilian be struck with a baton, shoved, or told not to touch their bicycle at Penn and Wythe. Chief Maddrey did not recall any civilian matching § 87(2)(b) pedigree information. He did not recall any arresting officers on scene described as a White male, 5’9” tall with light brown hair.

On March 24, 2020, DI Glynn was interviewed by the CCRB (**Board Review 10**). DI Glynn explained that he came to Penn Street and Wythe Avenue, where he observed hundreds of protestors in the street and approximately 80 to 100 officers. DI Glynn then ordered the officers to assemble in a shoulder-to-shoulder line formation at the intersection. At some point, the line of officers broke, and officers proceeded to advance up the block. DI Glynn did not direct them to do so and did not hear anyone else give this order. The only ranking officer DI Glynn could positively recall seeing at the scene was DI Skretch, but he did not recall where or when or what DI Skretch was doing or whether he was directly involved at the line. After the officers started to advance, DI Glynn independently decided to follow them. As he advanced up Penn Street, DI Glynn saw a group of protestors fighting with officers as the officers appeared to begin effecting arrests. DI Glynn did not recall being involved in any aspect of these encounters and/or arrests, whether physically, or in a supervisory or logistical capacity. However, DI Glynn did note that he physically assisted in the arrest of a white or Hispanic male only. DI Glynn did not observe officers use any force on any individuals while he was present at Penn Street and Wythe Avenue. He did not recall being aware of any injured protestors at the location. DI Glynn was presented with a synopsis of § 87(2)(b) complaint. This information did not bring back his recollection of an incident he was involved in or that he witnessed. DI Glynn was given § 87(2)(b) physical description;

however, he stated that he did not remember seeing anyone matching this description. DI Glynn was also given a physical description of a 5'9" tall white male with a medium build and light brown hair, who was wearing a white shirt and asked if this description sounds like an officer present on the incident date. In response, DI Glynn said that there were almost 80 to 100 officers on scene and this description did not remind him of any one particular officer.

On August 12, 2021, DC Charles McEvoy provided a statement in relation to other CCRB interviews, including case number 202004204 (**Board Review 18**). DC McEvoy believed he was the highest-ranking officer on scene. DC McEvoy instructed officers on Penn Street and Wythe Avenue to enforce the Mayor's executive order, which led to multiple arrests and summonses for violating the curfew. DC McEvoy explained that after officers began to make arrests, he began to walk away from Penn Street and Wythe Avenue. As he walked, he approached different protesters and asked them to stop. Approximately three to five individuals disregarded DC McEvoy's instructions. As a result, DC McEvoy physically put his hand on their arms and detained them momentarily until he instructed other officers to take them into custody. DC McEvoy explained he did not use any force against protesters during these interactions and arrests. DC McEvoy said he did not witness any force use by any officer during these arrests. DC McEvoy was not equipped with a baton or asp at the time.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 11**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 12**).

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- As of May 21, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 13**) (**Board Review 14**)

§ 87(2)(b)

Squad No.: 9

Investigator: Juan Arango
Signature

Inv. Juan Arango
Print Title & Name

08/18/2021
Date

Squad Leader: Monique West

IM Monique West

7/28/2021

CCRB Case # 202004011

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date